This is then specifically described as

"the custom test kit"

that is also clearly described as

"specific to the gene being tested."

Earlier, on page 4, it is explained that the applicant's

> "*uniform* reaction reactions or a 'kit' (including for example specific PCR primers, reaction conditions and gel conditions) are gene specific and individual specific."

Again, on page 11, for each "gene", a "customized test kit to customers".

As for the optical spot pattern comparison of a with a new image spot pattern to note positional shifts or differences, this is also precisely what one skilled in the art would understand from the description on page 8:

> "image-comparisons... with the previously stored spot pattern image ... on that gene from others or earlier" spot patterns"

That the positional spot differences is primarily what are looked for is also clearly evident from the teaching of "image-comparisons... by *optical* techniques... with previously stored spot pattern image... on that gene". Not only are specific prior patent references cited on page 8 for optical overlay comparison techniques, but this matching of spot positions is also specifically taught in the drawings (Fig. 1, "comparison of gene specific spot patterns... item 6b).

It is submitted that any fair reading of the specification teaches both the features of gene sequence identical kits and also spot pattern position comparison -- features that were amended into claim 6.

Though claim 6 (and the depending claims 7-11, 17-18 and 21) contain these specific limitations clearly definitive over the cited prior art reference to the Bassett patent, as detailed on pages 5 and 6 in the remarks accompanying the prior amendment, the Office has ignored these distinguishing claim limitations as allegedly not supported in applicant's disclosure, and has on this basis rejected the claims as reading on Bassett under 35 U.S.C. 102 (e).

Since, however, as above shown, these definitive and distinguishing limitations are, indeed, disclosed in the applicant's application, they are entitled to be considered in the context of the claims that thereby distinguish from Bassett.

The only remaining obstacle to allowance of the claims to applicant resides in the Office interpretation of his "assertion" in the specification that "the details of such PCR-electrophoresis operations form no part of the novelty of the present invention".

With respect, it is believed that the Office has misconstrued the proper meaning of this statement, apparently ignoring the introductory words to that assertion that make it abundantly clear that applicant is decidedly *not* saying that the use of the claimed spot patterns displays in the gel is not part of his invention. To the contrary applicant specifically stated that it is

"*apart from* the resulting spot pattern images displayed on the gel"

that the PCR operations form no part of the novelty of his invention. From the very filing of the application up to the present, the claims presented and the heart of the invention have clearly been described as residing in gene-specific uniformity of gel spot pattern and optical comparisons of the spot patterns

Reconsideration and allowance are therefore believed to be in order and are accordingly respectfully requested.

Any costs incurred by this filing including for any required extension fees, petition for which is hereby made, may be charged to the Deposit Account No. 18-1425 of the undersigned attorneys.

Respectfully submitted,

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